

**PROFESSIONAL LICENSURE DIVISION[645]**

**Notice of Intended Action**

**Proposing rule making related to physical therapy licensure and examination and providing an opportunity for public comment**

The Board of Physical and Occupational Therapy hereby proposes to amend Chapter 200, “Licensure of Physical Therapists and Physical Therapist Assistants,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 147.76 and chapter 148A.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapters 147, 147C, and 148A.

*Purpose and Summary*

The proposed amendments update numerous approval processes for testing eligibility to make it feasible for the Board to participate in the Federation of State Boards of Physical Therapy’s Alternative Approval Pathway initiative. These amendments include updates to the procedure for requesting special accommodations as well as clarification and score updates for foreign-trained applicants.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 645—Chapter 18.

*Public Comment*

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Board no later than 4:30 p.m. on August 21, 2019. Comments should be directed to:

Venus Vendoures Walsh  
Professional Licensure Division  
Iowa Department of Public Health  
Lucas State Office Building  
321 East 12th Street  
Des Moines, Iowa 50319-0075  
Phone: 515.242.6529  
Email: [venus.vendoures-walsh@idph.iowa.gov](mailto:venus.vendoures-walsh@idph.iowa.gov)

### *Public Hearing*

A public hearing at which persons may present their views orally or in writing will be held as follows:

August 21, 2019  
8 to 8:30 a.m.

Fifth Floor Conference Room 526  
Lucas State Office Building  
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Rescind subrule **200.2(6)**.

ITEM 2. Renumber subrules **200.2(7)** to **200.2(9)** as **200.2(6)** to **200.2(8)**.

ITEM 3. Amend subrule 200.4(3) as follows:

**200.4(3)** ~~Before the board may approve an applicant for testing beyond three attempts, an applicant shall demonstrate evidence satisfactory to the board of having successfully completed additional coursework.~~ The Federation of State Boards of Physical Therapy (FSBPT) determines the total number of times an applicant may take the examination in a lifetime. The board will not approve an applicant for testing when the applicant has exhausted the applicant's lifetime opportunities for taking the examination, as determined by FSBPT.

ITEM 4. Rescind subrule **200.4(4)**.

ITEM 5. Renumber subrule **200.4(5)** as **200.4(4)**.

ITEM 6. Amend renumbered subrule 200.4(4) as follows:

**200.4(4)** Special accommodations. To eliminate discrimination and guarantee fairness under Title II of the Americans with Disabilities Act (ADA), an individual who has a qualifying disability may request an examination accommodation. The applicant must submit appropriate documentation to FSBPT.

*a.* ~~Disability requirements. An applicant is an individual who has a physical or mental impairment that substantially limits that individual in one or more major life activities, who has a record of such a physical or mental disability, or who is regarded as having such a physical or mental impairment.~~

~~(1) Physical impairment, as defined by the ADA, means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.~~

~~(2) Mental impairment, as defined by the ADA, means any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.~~

*b.* ~~To be considered an impairment that limits a major life activity, the disability shall impair an activity that an average person can perform with little or no difficulty, for example, walking, seeing, hearing, speaking, breathing, learning, performing manual tasks, caring for oneself, working, sitting, standing, lifting, or reading.~~

~~c.—To verify the accommodation, the applicant must submit appropriate documentation that uses professionally recognized criteria; that details how the disability leads to functional limitations; and that illustrates how the limitation or limitations inhibit the individual from performing one or more major life activities.~~

~~d.—An evaluator shall on the documentation provide a signature, verify the diagnosis, verify the professionally recognized test/assessment, and recommend the accommodation. The evaluator shall be a licensed health care professional, including but not limited to a physician who practices in a field that includes, but may not be limited to, neurology, family practice, orthopedics, physical medical medicine and rehabilitation, and psychiatry; or a psychologist who performs evaluations to assess individuals for mental disorders that might impact those individuals' academic or testing performance.~~

~~e.—An accommodation shall not give the individual an unfair advantage over others taking the examination, shall not change the purpose of the examination, and shall not guarantee that the individual will pass the examination.~~

~~f.—The board and staff shall maintain confidentiality of all medical and diagnostic information and records.~~

ITEM 7. Amend subrule 200.5(2) as follows:

**200.5(2)** Foreign-trained applicants who do not hold a license in another state or U.S. territory shall:

a. Submit an English translation and an equivalency evaluation of their educational credentials through the following organization: Foreign Credentialing Commission on Physical Therapy, Inc., 124 West Street South, Third Floor, Alexandria, VA 22314; telephone (703)684-8406; website [www.fccpt.org](http://www.fccpt.org). The credentials of a foreign-educated physical therapist or foreign-educated physical therapist assistant licensure applicant who does not hold a license in another state or territory of the United States and is applying for licensure by taking the examination should be evaluated using the most current version of the Federation of State Boards of Physical Therapy (FSBPT) Coursework Tool (CWT). The credentials of a foreign-educated physical therapist or physical therapist assistant who has been a licensed PT or PTA under the laws of another jurisdiction should be evaluated using the version of the FSBPT CWT that covers the date the applicant graduated from the applicant's respective physical therapist or physical therapist assistant education program. The professional curriculum must be equivalent to the Commission on Accreditation in Physical Therapy Education standards. An applicant shall bear the expense of the curriculum evaluation.

b. Submit certified proof of proficiency in the English language by achieving on the Test of English as a Foreign Language (IBT-TOEFL) Internet-based test (TOEFL iBT test) a total score of at least 89 on the ~~Internet-based TOEFL~~ TOEFL iBT test as well as accompanying minimum scores in the four test components as follows: 24 in writing; 26 in speaking; 21 in reading ~~comprehension~~; and 18 in listening ~~comprehension~~. Beginning January 1, 2020, submit certified proof of proficiency in the English language by achieving on the Test of English as a Foreign Language Internet-based test (TOEFL iBT test) a total score of at least 89 on the TOEFL iBT test as well as accompanying minimum scores in the four test components as follows: 22 in writing; 24 in speaking; 22 in reading; and 21 in listening. This ~~examination test~~ is administered by Educational Testing Services, Inc., P.O. Box 6157, Princeton, NJ 08541-6157. An applicant shall bear the expense of the ~~TOEFL examination~~ TOEFL iBT test. Applicants may be exempt from the ~~TOEFL examination~~ TOEFL iBT test when ~~the native language is English~~, physical therapy education was completed in a school approved by the Commission on Accreditation in Physical Therapy Education (CAPTE), language of instruction in physical therapy was English, language of the textbooks was English, and the applicant's transcript was in English.

c. ~~Submit an official statement from each country's or territory's board of examiners or other regulatory authority regarding the status of the applicant's license, including issue date, expiration date and information regarding any pending or prior investigations or disciplinary action. The applicants shall request such statements from all entities in which they are currently or formerly licensed. Foreign-trained applicants who hold a license in another state or U.S. territory may apply for licensure by endorsement.~~

~~d.—Receive a final determination from the board regarding the application for licensure.~~

ITEM 8. Amend subrule 200.7(1) as follows:

**200.7(1)** An applicant who has been a licensed PT or PTA under the laws of another jurisdiction state or U.S. territory shall file an application for licensure by endorsement with the board office. ~~The board may receive by endorsement any applicant from the District of Columbia or another state, territory, province or foreign country who~~ by completing the following steps:

- a. ~~Submits~~ Submit to the board a completed application;
- b. ~~Pays~~ Pay the licensure fee;
- c. ~~Shows~~ Show evidence of licensure requirements that are similar to those required in Iowa;
- d. ~~Submits~~ Submit a copy of the scores from the appropriate professional examination to be sent directly from the examination service to the board;
- e. ~~Submits~~ Submit two completed fingerprint cards and a signed waiver form to facilitate a national criminal history background check by the Iowa division of criminal investigation (DCI) and the Federal Bureau of Investigation (FBI). The cost of the criminal history background check by the DCI and the FBI shall be assessed to the applicant;
- f. ~~Provides~~ Provide official copies of the academic transcripts sent directly from the school to the board; and
- g. ~~Provides~~ Provide verification of license(s) from every jurisdiction in which the applicant has been licensed, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification direct from the jurisdiction's board office if the verification provides:
  - (1) Licensee's name;
  - (2) Date of initial licensure;
  - (3) Current licensure status; and
  - (4) Any disciplinary action taken against the license.

ITEM 9. Rescind subrule **200.7(6)**.